

224044



Mack H. Shumate, Jr.
Senior General Attorney, Law Department

November 24, 2008

VIA E-FILING

The Honorable Anne K. Quinlan, Secretary
Surface Transportation Board
395 E Street S.W., Room #1149
Washington, D.C. 20024

**Re: Proposed Abandonment of the Chesterville Industrial Lead
from M. P. 52.9 near Chesterville to M. P. 61.2 near Eagle
Lake, a distance of 8.3 miles in Colorado and Wharton
Counties, Texas; STB Docket No. AB-33 (Sub-No. 253X)**

Dear Ms. Quinlan:

The Union Pacific Railroad Company, ("Union Pacific"), has received a request from Fritz R. Kahn, the attorney for The Metropolitan Transit Authority of Harris County, Texas, ("MTA"), for a further extension of the Notice of Interim Trail Use regarding that portion of the Union Pacific's right-of-way known as the Chesterville Industrial Lead extending between Milepost 52.9 near Chesterville and Milepost 61.2 near Eagle Lake, a distance of a distance of 8.3 miles in Colorado and Wharton Counties, Texas. A copy of Mr. Kahn's November 20, 2008 letter is attached for your reference as Exhibit "A".

The Union Pacific concurs with Mr. Kahn's e-filing of November 20, 2008 and is willing to extend the NITU negotiating period to February 27, 2009.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", with a stylized flourish at the end.

Attachment

cc: Fritz R. Kahn, Esq.
Alva Trevino
Cassie B. Stinson, Esq.

O:\ABANDONMENTS\33-253X\STB-NITUExtension-002.doc

EXHIBIT "A"

LAW OFFICES
FRITZ R. KAHN, P.C.
1920 N STREET, NW (8TH FL)
WASHINGTON, DC 20036
Tel . (202) 263-4152 Fax. (202) 331-8330
e-mail: xiccc@verizon.net

November 20, 2008

VIA ELECTRONIC FILING

Hon. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Dear Secretary Quinlan

This refers to STB Docket No. AB-33 (Sub-No 253X), Union Pacific Railroad Company--Abandonment Exemption--in Colorado and Wharton Counties, TX and to the Board's Decisions, served September 15, 2008, and October 31, 2008, extending the NITU negotiating period to December 31, 2008.

The President and CEO of the Metropolitan Transit Authority of Harris County, Texas ("METRO"), Mr. Frank J. Wilson, seeks approval by its Board of Directors of the Interim Trail Use/Rail Banking Agreement and Assignment and Deed Without Warranty at its next meeting, which is scheduled for mid-December. With the Holiday Season intervening, it would appear to be difficult to get the signed copies of the agreement to the Union Pacific Railroad Company for review by its real estate department and execution by the appropriate official of the Company by December 31, 2008.

METRO, accordingly, respectfully requests a further extension of the negotiating period to February 27, 2009.

I am authorized to state that UP concurs in the extension request.

I certify that I have served a copy of this letter upon UP by e-mailing a copy to its counsel

Sincerely yours,

Fritz R. Kahn

cc Mack H. Shumate Jr, Esq.
Ms Alva Trevino
Cassie B. Stinson, Esq